IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE JURISDICTION

Civil Application Nos.228 and 229 of 2007
with
L.P.A.St No 10697 OF 2007

M/s New Royal Cycle Agency ..Petitioners

vs

Citizens Coop Bank Ltd and ors ..Respondents

Ms Lalita Panchakshari for the petitioners/appellants.

Mr P.S. Dani for the respondent No.2.

CORAM: SWATANTER KUMAR, C.J., &
DR.D.Y. CHANDRACHUD, J.

Dated: 26th September 2007

P.C.:

Civil Application No.228 of 2007 is filed for condonation of delay in filing he present appeal.

We have heard the learned counsel for the parties. The learned counsel for the respondent-non-applicant submits that without prejudice to his right and contentions that the appeal is not maintainable, he has no objection to condone the delay in filing the appeal.

Civil Application No.228 of 2007 is allowed in terms of prayer clause (a) and the civil application stands disposed off.

The learned counsel appearing for the appellants in the main appeal submits that in fact the appellant does not wish to question the correctness of the order passed by the learned Single Judge which is impugned in this appeal. On the contrary they want to clear the dues, balance if any, in terms of the orders impugned. According to the appellants they have already deposited an amount of Rs.3.96 lacs out of Rs.4 lacs, however they do not have the exact computation of the balance amount due.

Let the learned counsel for the respondent give the complete account of the amount due from the appellant, to the learned counsel for the appellant within one week from today, whereupon the entire balance amount shall be paid within three weeks thereafter. In the event said amount is not paid, any advantage accruing to the appellants stands withdrawn.

The appeal is disposed of on the statement made by the learned counsel for the parties, leaving the parties to bear their own

costs.

In view of the disposal of the main appeal, Civil Application No. 229 of 2007 praying for interim reliefs does not survive and the same stands disposed of.

CHIEF JUSTICE

DR D.Y.CHANDRACHUD, J.